IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 34296 of 2007(G)

PETITIONER:

MUHAMMED, AGED 52, S/O. KADER,
PUTHENVEETTIL, 20/333, NAMBIAPURAM ROAD,
PALLURUTHY.

BY ADV. SRI.A.B.JALEEL
SRI.K.THAVAMONY

RESPONDENTS:

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1. THE VIJAYA BANK, REPRESENTED BY
THE AUTHORISED OFFICER AND CHIEF MANAGER,
VYTTILA BRANCH, SIMSON TOWERS, SA ROAD, VYTTILA,
KOCHI-682 019.

2. M.CHIDAMBARAM PILLAI, AGED 48,
S/O. MANOHARAN PILLAI, 19/1803, ANJILETH,
PULLARDESOM ROAD, PALLURUTHY, KOCHI-682 006.

BY SC FOR BANK SRI. B.S KRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J

W.P.(C). 34296/2007

Dated this the 26th day of November, 2007

JUDGMENT

The petitioner submits that he had purchased a property with a residential building on 22.2.2007 from the secnd respondent. It is stated that at the time of sale or thereafter, the second resondent had not disclosed to him the fact to the petitioner that he had mortgaged the property to the first respondent, Bank, as early as on 28.7.2005. It is submitted that on account of the default committed by the second respondent, the Bank has initiated action against the petitioner under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, and presently possession also has been taken over. It is in these circumstances, this writ petition has been filed.

2. Ext.P2 is the notice under Section 13(2) of the Act. Actually petitioner had no opportunity to inform the Bank of his predicament. Taking into account the submissions made, I direct the petitioner to make a representation

before the first respondent within two weeks from today reiterating the pleadings made in this writ petition and his willingness to discharge the liability in instalments. Once such a representation is made, first respondent shall consider the same and pass appropriate orders as expeditiously as possible at any rate within two weeks thereafter. Until orders are passed as directed above, further proceedings shall be deferred.

Writ petition is disposed of as above.

ANTONY DOMINIC
Judge

mrcs